

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Myrick Dennis, with the Cleveland Field Office of the United States Postal Inspection Service (hereinafter "USPIS"), having first been duly sworn according to law, hereby depose and say:

1. As a United States Postal Inspector, I am an investigative law enforcement officer of the United States of America within the meaning of Title 18, United States Code, Section 2510(7). I am empowered by law to conduct investigations of, and to make arrests for, offenses related to the U.S. Postal Service (hereinafter "USPS") and the mails, as authorized by Title 18, United States Code, Section 3061.

2. I have been employed by the USPIS for five years and assigned to the Cleveland Field Office for each of those five years. During this time, I have been assigned to the Prohibited Mail Narcotics team, which investigates the mailing of illegal drugs and their proceeds. I have been the case agent in multiple investigations leading to convictions in both U.S. District Court and state courts.

3. I have received training in the detection and investigation of prohibited mailing offenses during a residential Basic Inspector Training program in Potomac, Maryland. I have also received training in financial investigations as they relate to drug trafficking organizations, money laundering, and asset forfeiture. I have received field training and participated in many aspects of USPIS drug investigations, including but not limited to, parcel interdiction, surveillance, controlled deliveries, execution of search warrants, interview and interrogation, confidential source/cooperating witness debriefing, and interception and analysis of electronic communications. I have written and executed search warrants that have resulted in the seizure of illegal drugs and evidence of drug violations. I am familiar with drug traffickers' methods of operation, especially as they relate to the Postal Service, including the storage, transportation,

and distribution of drugs, the transfer and collection of money which represents the proceeds of drug trafficking, and money laundering.

4. I know from my training and experience that the U.S. Mail is often used by drugs traffickers to transport controlled substances. I further know that the Priority Mail system is commonly used to transport controlled substances because this system provides reliability, traceability, and timely delivery.

5. I know that the success of professional Drug Trafficking Organizations (DTOs) depends upon maintaining extensive contacts throughout the country and internationally. Specifically, individuals involved in drug trafficking must maintain contact with drug suppliers, drug couriers, drug customers, and others involved in the supply, transportation, distribution, sales, and marketing of controlled substances. The use of cellular telephone communication is essential in maintaining timely long-distance and local contacts with the original suppliers and those down the organizational chain, to include local traffickers.

6. This affidavit is submitted in support of criminal complaints against Silvestre Martinez and RUBEN HERNANDEZ.

7. Because this affidavit is submitted for the limited purpose of supporting criminal complaints, I have not included each and every fact known concerning this investigation. I have set forth only the facts I believe are necessary to establish probable cause that Silvestre Martinez and RUBEN HERNANDEZ have committed violations of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, that is conspiracy to distribute, attempted possession and/or possession with intent to distribute, and distribution of 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

8. On November 13, 2019, while reviewing postal business records, I identified USPS Priority Mail parcel no. 9505 5145 0811 9316 3280 73 addressed to Lewis Darla, 3513 Storer Ave, Cleveland, OH 44109, and having a return address of Kevin Orozo, 8522 Albia St., Downey, CA 90242 (hereinafter “subject parcel”), as a suspected drug parcel based on a number of characteristics such as the class of mail, origin, and destination. I subsequently located and detained the parcel for further investigation.

9. On November 14, 2019, I placed the subject parcel in a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection “Ciga,” handled by Detective M. Twombly of the Cuyahoga County Sheriff's Department, was allowed to examine the lineup. According to Detective Twombly, Ciga gave a positive alert on the subject parcel and none of the blank parcels. According to Detective Twombly, this positive alert meant Ciga detected the odor of an illegal drug emanating from the subject parcel.

10. Continuing on the same date, the Honorable Thomas M. Parker, U.S. Magistrate Judge, authorized a federal search warrant (1:19mj3305) for the subject parcel. Postal Inspector D. Senchesak and I executed the search warrant at approximately 12:48 p.m., resulting in the seizure of approximately 1 pound 4.05 ounces or approximately 568 grams (gross total weight) of blue circular pills bearing markings consistent with 30 milligram oxycodone and suspected to contain fentanyl. The pills were concealed inside a clear and red plastic Rubbermaid container wrapped in multiple layers of plastic and packed with bubble wrap and multiple children's workbooks. On the same date, I transferred the pills to the Cuyahoga County Regional Forensic Science Laboratory (CCRFSL) for chemical analysis. The CCRFSL confirmed on November 15,

2019, that the pills contained a detectable amount of fentanyl and N-Phenethyl-4-piperidinone (4-ANPP), both Schedule II controlled substances.

11. On November 15, 2019, Postal Inspectors and agents and officers from Homeland Security Investigations (HSI) and the Cleveland Police Department (CPD) conducted a controlled delivery of the subject parcel. Prior to conducting the controlled delivery, I removed the entirety of the pills containing fentanyl and 4-ANPP and replaced them with a non-controlled substance. I also placed a transmitter which would tell agents if or when the subject parcel was opened and a location monitoring device similar to a GPS inside the subject parcel. I then repackaged the subject parcel so as to appear as if it were not intercepted by law enforcement.

12. At approximately 1:23 p.m., a Postal Inspector acting in an undercover capacity as a USPS Letter Carrier delivered the subject parcel to the front porch of the residence located at 3513 Storer Avenue, Cleveland, Ohio 44109. At approximately 1:29 p.m., HSI Special Agent M. Kampman observed that a male subject later identified as RUBEN HERNANDEZ opened the front door of the residence located at 3513 Storer Avenue, Cleveland, Ohio 44109 and took the subject parcel inside. Investigators then maintained continuous surveillance of the residence.

13. At approximately 3:30 p.m., Special Agent Kampman observed HERNANDEZ exit the residence carrying a black backpack. HERNANDEZ placed the backpack in the rear passenger area of a dark colored Toyota RAV4 bearing Ohio license plate TOY4777. HERNANDEZ then entered the driver's seat of the Toyota RAV4 and departed the residence traveling westbound on Storer Avenue. At this time, I observed the location monitoring device inside the subject parcel began to move in a direction consistent with HERNANDEZ's movements, indicating the subject parcel was likely inside the backpack inside the Toyota RAV4.

14. Investigators then conducted mobile surveillance of HERNANDEZ while he was driving the Toyota RAV4. HERNANDEZ made a stop at a nearby convenience store and then another private residence; however, he left the backpack in the vehicle at both locations. HERNANDEZ then traveled on Interstate 480 westbound, eventually exiting to travel northbound on Great Northern Boulevard in North Olmsted, Ohio.

15. At approximately 4:07 p.m., HERNANDEZ pulled into the front parking lot of the Radisson Hotel at 25070 Country Club Boulevard, North Olmsted, Ohio 44070. HERNANDEZ remained in his vehicle for several minutes until 4:14 p.m., when a silver sedan driven by a male subject later identified as Silvestre Martinez pulled alongside HERNANDEZ's vehicle. Martinez and HERNANDEZ appeared to talk through their windows, and Martinez gestured in a direction away from the Radisson Hotel.

16. Martinez and HERNANDEZ then traveled in tandem a short distance away to the La Quinta Inn & Suites at 25105 Country Club Boulevard, North Olmsted, Ohio 44070. Martinez and HERNANDEZ parked in the rear parking lot at the La Quinta Inn & Suites, exited their respective vehicles, and then walked inside the hotel together.

17. Investigators took Martinez and HERNANDEZ into custody while they were in the elevator traveling up from the lobby. Martinez had on his person a plastic Foot Locker bag filled with clothes, keys to the silver sedan, his wallet containing his California driver's license and other items, two cellular telephones, and a room key later determined to be assigned to Room 424. HERNANDEZ had on his person the black backpack containing the subject parcel and other items, a large sum of U.S. currency, keys to his Toyota RAV4, his wallet containing his Ohio driver's license and other items, and a cellular telephone.

18. Martinez gave verbal consent to search Room 424 where he was staying.

Investigators recovered two pieces of paper on the desk with several numbers written on them, suspected to be drug ledgers.

19. Investigators recovered from HERNANDEZ's cellular telephone the following selected messages in a WhatsApp conversation between HERNANDEZ and contact "Sil":

<i>Party</i>	<i>Timestamp (UTC-5)</i>	<i>Content</i>
"Sil"	11/1/2019 6:54 PM	[photo of a USPS parcel sent from Amber Stevens, 2343 Revere Dr., Fullerton, CA 92831 to Mario Phillips, 3513 Storer Ave, Cleveland, OH 44109]
"Sil"	11/1/2019 6:55 PM	[photo of receipt for USPS parcel no. 9505 5131 7872 9305 4351 85, the same parcel as the photo above]
"Sil"	11/5/2019 4:05 PM	[photo of California driver's license for Silvestre Martinez, DOB 02/xx/1984]
HERNANDEZ	11/5/2019 4:10 PM	[photo of confirmation for United Airlines flight on 11/7/2019 from Fresno, California, to Cleveland, Ohio, via Los Angeles, California, for passenger Silvestre Martinez]
"Sil"	11/7/2019 1:43 PM	[photo of boarding pass for United Airlines flight on 11/7/2019 corresponding to above confirmation for Silvestre Martinez]

“Sil”	11/14/2019 9:17 AM	[photo of USPS tracking for a parcel with processing events and times consistent with the subject parcel]
“Sil”	11/14/2019 5:59 PM	[photo of USPS tracking for a parcel with processing events and times consistent with the subject parcel]
HERNANDEZ	11/14/2019 11:17 PM	Esta aqui mañana [it’s here tomorrow]
“Sil”	11/14/2019 11:21 PM	Ok
“Sil”	11/15/2019 9:08 AM	[photo of USPS tracking for a parcel with processing events and times consistent with the subject parcel]
HERNANDEZ	11/15/2019 1:26 PM	[OK hand sign emoji]
“Sil”	11/15/2019 1:27 PM	Ok Perfecto

20. Based on my training and experience, in the above conversation, contact “Sil” (likely Silvestre Martinez) previously sent or had knowledge of the sending of a USPS parcel to 3513 Storer Avenue, Cleveland, Ohio 44109, possibly containing illegal drugs or drug proceeds. “Sil” then sent Silvestre Martinez’s driver’s license information to HERNANDEZ so HERNANDEZ could book a flight for Silvestre Martinez from Fresno to Cleveland.

21. “Sil” then kept HERNANDEZ abreast of the delivery status of the subject parcel because “Sil” was tracking it. HERNANDEZ assured “Sil” that the subject parcel would be

delivered on November 15, 2019, and then confirmed to "Sil" that it had indeed been delivered within minutes after the undercover Postal Inspector left it on the front porch of the residence located at 3513 Storer Avenue, Cleveland, Ohio 44109.

22. Based upon the information contained in this affidavit, I submit there is probable cause to believe that on or about November 15, 2019, in the Northern District of Ohio, RUBEN HERNANDEZ committed violations of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, that is conspiracy to distribute, attempted possession and/or possession with intent to distribute, and distribution of 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance.



MYRICK DENNIS
U.S. POSTAL INSPECTOR

This affidavit was sworn to by the Affiant via telephone after submission by reliable electronic means. Fed. R. Crim. R. P. 3, 4(d), and 4.1 on this 18th, day November, 2019.



JONATHAN D. GREENBERG,
U.S. MAGISTRATE JUDGE



11-18-19

DATE